



+

TRANSMITTAL FORM <i>(to be used for all correspondence during pendency of filed application)</i>	0001/PTO Rev. 10/95	U.S. Department of Commerce Patent and Trademark Office	Application Number	10/705,652
			Filing Date	November 10, 2003
			First Named Inventor	Peter Callas
			Group Art Unit Number	Not yet known
			Examiner Name	Not yet known
Total Number of Pages in This Submission	6*	Attorney Docket Number	80121-08601	

ENCLOSURES (check all that apply)	
<input type="checkbox"/> Fee Transmittal Form (in duplicate) <input type="checkbox"/> Check Enclosed	<input type="checkbox"/> Issue Fee Transmittal
<input checked="" type="checkbox"/> Return Receipt Postcard	<input type="checkbox"/> Letter to Chief Draftsperson
<input type="checkbox"/> Response to Notice to File Missing Parts	<input type="checkbox"/> Formal Drawing(s): [] Sheet(s) of Figure(s) []
<input type="checkbox"/> Assignment & Recordation Cover Sheet	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Declaration	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Power of Attorney	<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Application Data Sheet	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Information Disclosure Statement & PTO/SB/08A <input checked="" type="checkbox"/> Copies of IDS Cited References	<input type="checkbox"/>
<input type="checkbox"/> Request for Corrected Filing Receipt	<input type="checkbox"/>
<input type="checkbox"/> Request for Correction of Recorded Assignment	<input type="checkbox"/>
<input type="checkbox"/> Amendment/Response: [] Page(s) <input type="checkbox"/> After Final	<input type="checkbox"/>
<input type="checkbox"/> Status Request	<input type="checkbox"/>
<input type="checkbox"/> Revocation and Substitute Power of Attorney	<input type="checkbox"/>

REMARKS: *Page count does not reflect references.

SIGNATURE OF ATTORNEY OR AGENT		
Signature:		
Attorney/Reg. No.:	Albert C. Smith, Reg. No. 20,355	Dated: 12/17/03

CERTIFICATE OF MAILING		
I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.		
Signature:		
Typed or Printed Name:	Albert C. Smith	Dated: 12/17/03
Express Mail Mailing Number (optional):		



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Peter Callas, John P. Lunsford, Albert Chin and Michael Wei
APPLICATION NO.: 10/705,652
FILING DATE: November 10, 2003
TITLE: Endoscopic Surgical Access Port And Method
EXAMINER: Not yet known
GROUP ART UNIT: Not yet known
ATTY. DKT. NO.: 80121-08601

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:

Dated: 12/17/03

By: Albert C. Smith
Albert C. Smith, Reg. No.: 20,355

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Under 37 CFR §§ 1.56 and 1.97-98

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO/SB/08A listing references for consideration by the Examiner. Enclosed is a copy of each listed reference that may be material to the examination of this application, and for which there may be a duty to disclose.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

This Information Disclosure Statement is being filed:

- ☒ within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first office action on the merits, whichever event last occurred;
- ☐ before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;

- ☐ after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either: (1) a final action under 37 CFR §1.113; or (2) an action that otherwise closes prosecution in the application, and:
 - ☐ attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
 - ☐ Applicant certifies pursuant to 37 CFR § 1.97(e) that:
 - ☐ each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
 - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement;
- ☐ on or before the payment of the issue fee but after the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; (2) a notice of allowance under 37 CFR § 1.311; or (3) an action that otherwise closes prosecution in the application, and:
 - ☐ Applicant certifies pursuant to 37 CFR. § 1.97(e) that:
 - ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; or
 - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this

certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND

- ☐ attached hereto is the fee set forth under 37 CFR § 1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
- ☐ after the payment of the issue fee. Applicant requests that the information contained in this Information Disclosure Statement be placed in the file according to 37 CFR § 1.97(i), although the information may not be considered by the USPTO.
- ☐ This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application No. APPLICATION NO., filed on DATE FILED, and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).
- ☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 CFR § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR § 1.704(d).
- ☒ Applicant submits that no fee is required for the consideration of this Information Disclosure Statement.

Consideration of the listed references and favorable action are solicited.

Respectfully submitted,
PETER CALLAS, ET AL.

Dated: _____

12 / 17 / 03

By: _____

A.C. Smith

Albert C. Smith, Reg. No.: 20,355
Fenwick & West LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
Tel.: (650) 335-7296
Fax.: (650) 938-5200



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Complete if Known	
				Application No.	10/705,652
				Filing Date	November 10, 2003
				First Named Inventor	Peter Callas
				Art Unit	Not yet known
				Examiner Name	Not yet known
Sheet	1	of	2	Attorney Docket Number	80121-08601

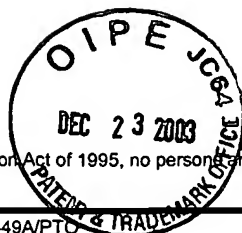
U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No. ¹	Document No. Number – Kind Code ² (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	A	US-6,599,237 B1	07-29-2003	Singh
	B	US 2001/0023332 A1	09-20-2001	Hahnen
	C	US-6,276,661 B1	08-21-2001	Laird
	D	US-6,200,263 B1	03-13-2001	Person
	E	US-6,197,041 B1	03-06-2001	Shichman, et al.
	F	US-6,193,651 B1	02-27-2001	DeFonzo
	G	US-6,189,533 B1	02-20-2001	Simon, et al.
	H	US-6,187,002 B1	02-13-2001	Long, et al.
	I	US-6,168,607 B1	01-02-2001	Wattiez, et al.
	J	US-6,165,137	12-16-2000	Milliman, et al.
	K	US-6,165,124	12-26-2000	Ouchi
	L	US-6,162,196	12-19-2000	Hart, et al.
	M	US-6,162,236	12-19-2000	Osada
	N	US-6,152,894	11-28-2000	Kubler
	O	US-6,146,400	11-14-2000	Hahnen
	P	US-6,142,955	11-07-2000	Farascioni, et al.
	Q	US-6,129,713	10-10-2000	Mangosong, et al.
	R	US-6,110,154	08-29-2000	Shimomura, et al.
	S	US-6,106,539	08-22-2000	Fortier
	T	US-6,102,853	08-15-2000	Scirica, et al.
	U	US-6,099,544	08-08-2000	Wolf, et al.
	V	US-6,099,505	08-08-2000	Ryan, et al.
	W	US-5,979,452	11-09-1999	Fogarty, et al.
	X	US-5,871,471	02-16-1999	Ryan, et al.
	Y	US-5,868,773	02-09-1999	Danks, et al.

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.



Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT****Complete if Known**

Application No.	10/705,652
Filing Dat	November 10, 2003
First Named Inv ntor	Peter Callas
Art Unit	Not yet known
Examiner Name	Not yet known
Attorney Docket Number	80121-08601

Sheet 2 of 2

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document No. Number - Kind Code ² (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	Z	US-5,855,549	01-05-1999	Newman
	AA	US-5,836,913	11-17-1998	Orth, et al.
	AB	US-5,725,553	03-10-1998	Moenning
	AC	US-5,697,946	12-16-1997	Hopper, et al.
	AD	US-5,607,397	03-04-1997	Stephens, et al.
	AE	US-5,496,345	03-05-1996	Kieturakis, et al.
	AF	US-5,437,646	08-01-1995	Hunt, et al.
	AG	US-5,366,446	11-22-1994	Tal, et al.
	AH	US-5,354,280	10-11-1994	Haber, et al.
	AI	US-5,330,437	07-19-1994	Duman
	AJ	US-5,263,939	11-23-1993	Wortrich
	AK	US-5,226,891	07-13-1993	Bushatz, et al.
	AL	US-5,197,955	03-30-1993	Stephens, et al.
	AM	US-5,167,636	12-01-1992	Clement
	AN	US-5,127,626	07-07-1992	Hlal, et al.
	AO	US-5,104,383	04-14-1992	Shichman
	AP	US-5,073,169	12-17-1991	Raiken
	AQ	US-4,929,235	03-29-1990	Merry, et al.
	AR	US-4,809,679	03-07-1989	Shimonaka, et al.
	AS	US-4,685,447	08-11-1987	Iverson, et al.
	AT	US-4,653,477	03-31-1987	Akui, et al.
	AU	US-4,649,904	03-17-1987	Krauter, et al.
	AV	US-4,424,833	01-10-1984	Spector, et al.
		US-		

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.